

PTO/SB/51 (09-04)

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REISSUE APPLICATION DECLARATION BY THE INVENTOR

Docket Number (Optional)

P06280US1-169A

I hereby declare that:

Each inventor's residence, mailing address and citizenship are stated below next to their name.

I believe the inventors named below to be the original and first inventor(s) of the subject matter which is described and claimed in patent number 6,676,502, granted January 13, 2004 and for which a reissue patent is sought on the invention entitled Method and Means for Stuffing Natural Casings with Sausage Emulsion

the specification of which

☐ is attached hereto.☒ was filed on February 4, 2004 as reissue application number 10/772,177and was amended on _____
(If applicable)

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

☐ I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b). Attached is form PTO/SB/02B (or equivalent) listing the foreign applications.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐ by reason of a defective specification or drawing.☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.☐ by reason of other errors.

At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:

The error upon which this reissue is based is independent claim 1 being too broad in view of the prior art. See 35 U.S.C. 251, and M.P.E.P. § 1402.

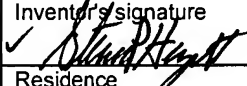

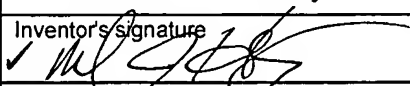
More specifically, on September 3, 2003, Applicant filed an Amendment After Notice of Allowance under 37 C.F.R. § 1.312 along with an IDS in view of prior art found in a co-pending PCT application. The file history indicates the IDS was entered, but the Amendment was not considered. Subsequently, U.S. Pat. No. 6,676,502 issued from the above application without the proposed Amendment to independent claim 1. Accordingly, Applicant believes that issued independent claim 1 is too broad in view of the prior art contained in the September 3, 2003 IDS. Applicant discovered this error on January 20, 2004, and subsequently filed a reissue application on February 4, 2004 to amend claim 1 to overcome the prior art cited in the September 3, 2003 IDS.

Thus, Applicant proposes further limiting claim 1 to recite a "brake element" not found in the prior art disclosed in the September 3, 2003 IDS.

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This collection of information is required by 37 CFR 1.175. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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| (REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2) | | Docket Number (Optional) P06280US1-169A | |
| All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. | | | |
| Note: To appoint a power of attorney, use form PTO/SB/81. | | | |
| Correspondence Address: Direct all communications about the application to: | | | |
| <input checked="" type="checkbox"/> The address associated with Customer Number: | | 34082 | |
| OR | | | |
| <input type="checkbox"/> Firm or Individual Name | | | |
| Address | | | |
| City | | State | Zip |
| Country | | | |
| Telephone | | Fax | |
| I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed. | | | |
| Full name of sole or first inventor (given name, family name) Steven P. Hergott | | | |
| Inventor's signature  | Date Dec 21, 2004 | | |
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| Inventor's signature  | Date DEC 21 2004 | | |
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| <input type="checkbox"/> Additional joint inventors or legal representative(s) are named on separately numbered sheets forms PTO/SB/02A or 02LR attached hereto. | | | |